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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,539	10/29/2003	Pascal E. Garrido	01-37	7562

7590 11/23/2004

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,539	GARRIDO, PASCAL E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven M Marsh	3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 11-14 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is the second office action for U.S. Application 10/697,539 for a Drive Nut and Screw for Seat Adjuster filed by Pascal E. Garrido on October 29, 2003.

#### ***Drawings***

The drawings were received on August 23, 2004. These drawings are acceptable.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 17, Applicant claims "means for engaging the first and second members with the drive nut". However, it is not clear what "means" Applicant is claiming. The language is not present in the specification and the only structure that appears to engage the first and second members with the drive nut, is the projecting ends, which are already claimed.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 5,172,601 to Siegrist et al. Siegrist et al. discloses a vehicle seat linkage assembly with a rod (40) connected to a drive motor (30). The linkage assembly has a first link (52) with an aperture (56 on one side ) and a second link adjacent (52 on the other side), but spaced from the first link, with a portion forming a slot (56) that has a keyhole slot opening. Each link has a portion forming an inner peripheral surface and defining a transverse axis between the first and second link. The first link and second link are attached to a frame (50) and there is a drive nut (42) adjacent to the first and second link. The slot and aperture are in alignment with each other and the slot has a portion forming an arcuate portion and a guide portion in communication with the circular portion. The drive nut (42) is adjacent to the rod and has a body portion (70), opposite lateral projections (74), and a portion engaging the rod (72). Claim 17 has limitations directed towards the method of operating the drive nut in relation to the first and second link. However, claim 17 is directed towards the structure of a linkage assembly, and therefore the method limitations are given no patentable significance.

Siegrist et al. discloses a method for connecting first and second seat members comprising: providing a threaded drive nut (42); providing a pair of spaced apart links (52); moving the drive nut and rod; inserting one lateral projection into the slot; positioning the another lateral projection end; moving a projection end; rotating the drive nut; separating the space apart links; and providing the drive nut with a second width,

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and the another lateral projection with a third width. Claims 11-14 contain limitations directed towards the structure of the drive nut and the links. However, a method of connecting a first seat member to a second seat member is claimed and the structural limitations are given no patentable significance.

### ***Allowable Subject Matter***

Claims 1-10, 15, and 16 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a vehicle seat linkage assembly with a first link having an enclosed aperture, a second link spaced from the first link and having a portion forming a slot with a circular portion, whereby a drive nut is threadably engaged with a rod, and whereby a pair of projections extending from opposite sides of a body portion of the nut, are used to position the drive nut and rod by positioning one of the projections in the slot, and the another projection is moved laterally relative to the slot, while the projection remains within the slot.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments filed August 23, 2004 have been fully considered but they are not persuasive. Applicant argues that Siegrist et al. lacks certain structural details claimed in claims 11-14. However, claims 11-14 are directed towards a method for

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connecting a first seat member and a second seat member, and therefore the structural limitations do not limit the steps of the method. Applicant also argues that the “means for engaging first and second members with the drive nut” is consistent with 35 USC 112 paragraph 6. The Examiner disagrees, as it is not clear what “means” Applicant is claiming. The first and second members are engaged with the drive nut by the ends of the drive nut, which is already claimed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

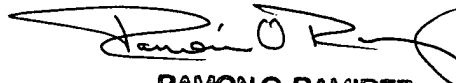
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(703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

*shh*

Steven M. Marsh

November 15, 2004

  
RAMON O. RAMIREZ  
PRIMARY EXAMINER